

REMARKS

Claims 14, 15, 33-42, 45-50, 56, 60-64 are pending in the present application. No additional claims fee is believed to be due.

Claims 56 and 64 have been amended without prejudice.

Claim 57 has been canceled without prejudice.

Obvious-type Double Patenting

The Office Action rejects the pending claims under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 41 of U.S. Pat. No. 6,001,343. Applicants submit a TERMINAL DISCLAIMER to overcome this rejection.

Rejection Under 35 USC 103(a) Over Vogel et al (U.S. Pat. No. 5,798,107)

The pending claims have been rejected under 35 USC 103(a) as being unpatentable over Vogel.

The Office Action correctly points out that Vogel fails to teach the article of Claim 56 be packaged with a set of instructions.

Applicants specifically note that Vogel fails to teach or suggest with a reasonably expectation of success the amended "instruction limitation" of Claim 56. The instruction claim limitation specifically claims, in the relevant part, a container in association with:

"a set of instructions to use the composition in an effective amount to provide a solution to problems involving, and/or provision of at least one benefit related to, those selected from the group consisting of: **killing, or reducing the level of, microorganisms; ~~reducing and/or providing resistance to the formation of wrinkles in fabric; and/or reducing static~~** in addition to the optional instructions relating to the use of the composition for reduction of odors."

The Office Action finds Vogel as providing specific teachings on "commercial packaging." Presumably the Office is making reference to columns 12-14 of Vogel entitled "Packaging" for this assertion. Applicants submit that Vogel at columns 12 and 14, at best,

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disclose various spray dispensers. Applicants point out that there appears to be no mention made of "instructions" much less instructions directed to killing microorganisms and/or reducing static.

The Office Action further cites to Vogel as providing specific teachings on how to use the composition. To this end, the Action states that it naturally follows that patentees would want to provide the instructions on how to use the composition therein to the consumer, in an effort ensure that the product is used effectively and as intended. Presumably the Office Action is making reference to columns 15 and 16 of Vogel entitled "Methods of Use" for this assertion. Applicants submit that Vogel at columns 15 and 16, at best, discloses that the fabric, after the composition is sprayed on the fabric, is stretched perpendicular to the wrinkle. Applicants again point out that there appears to be no mention made of instructions much less instructions directed to killing microorganisms and/or reducing static.

In view of the foregoing amendments and arguments, Applicants submit the rejection is overcome.

Conclusion

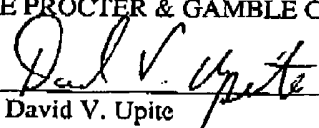
In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC section 103 for the pending claims. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied reference. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 14, 15, 33-42, 45-50, 56, and 60-64

Respectfully submitted,

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